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7 Attorneys for Defendant:
HPC BLACKSTONE INVESTORS, LP

8 UNITED STATES DISTRICT COURT
9
10 EASTERN DISTRICT OF CALIFORNIA

11 * * *

12	GEORGE AVALOS, an individual,	)	NO. 1:20-cv-01385-DAD-SKO
13)	
14	Plaintiff,	)	DEFENDANT, HPC BLACKSTONE
15		)	INVESTORS, LP'S, NOTICE OF
16	vs.	)	MOTION AND MOTION TO
17		)	DISMISS UNDER F.R.C.P. RULE
18	HPC BLACKSTONE INVESTORS, LP, a	)	12(b)(6) AS TO PLAINTIFF'S
19	California limited partnership; and DOES	)	COMPLAINT
20	1-10, inclusive)	
21		)	Date: January 19, 2021
22	Defendants.	)	Time: 9:30 a.m.
23		)	Courtroom: 5, 7 th Floor
24)	
25		)	Judge: Honorable Dale A. Drozd
26)	
27)	
28)	

PLEASE TAKE NOTICE that, on January 19, 2021, at 9:30 a.m., before the Honorable Dale A. Drozd, Defendant, HPC BLACKSTONE INVESTORS, LP (hereinafter "Defendant"), will move for a Motion to Dismiss Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) because a facial reading of Plaintiff's Complaint fails to state a claim for which relief can be granted because Plaintiff has failed to allege any facts that ties the alleged

1 barrier(s) encountered to any particular disability that he allegedly suffers.

2 As Plaintiff is a serial litigant and should have a reasonable grasp of the applicable
3 pleading requirements as well as the law under the Americans with Disabilities Act and the
4 California Unruh Civil Rights Act and has filed the Complaint without good faith, Defendant
5 further requests that should this Motion be granted, it be awarded prevailing party attorneys'
6 fees pursuant to 28 U.S.C. § 1927 and/or 42 U.S.C. § 12205. (*Peters v. Winco Foods, Inc.* (Cal.
7 E.D. 2004) 320 F.Supp.2d 1035.)

8 The grounds for this Motion are set forth in: 1) this Notice of Motion and Motion; 2) the
9 Memorandum of Points and Authorities in support of this Motion; 3) the Request for Judicial
10 Notice; and 4) all Exhibits thereto.

11 DATED: December 18, 2020

HATMAKER LAW GROUP

12 By /s/ Rachelle Taylor Golden
13 RACHELLE TAYLOR GOLDEN
14 Attorney for Defendant,
15 HPC BLACKSTONE INVESTORS, LP
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PROOF OF SERVICE

I am employed in the County of Fresno, California; I am over the age of eighteen years and not a party to the within cause; my business address is: 7522 N. Colonial Avenue, Fresno, CA 93711.

On December 18, 2020, I served the foregoing document(s) described as:

**DEFENDANT, HPC BLACKSTONE INVESTORS, LP'S, NOTICE OF MOTION AND
MOTION TO DISMISS UNDER F.R.C.P. RULE 12(b)(6) AS TO PLAINTIFF'S
COMPLAINT**

on all interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

MANNING LAW, APC
Joseph R. Manning, Jr.
20062 SW Birch Street, Ste. 200
Newport Beach, CA 92660
Ph: (949) 200-8755
Email:
DisabilityRights@manninglawoffice.com
Attorneys for Plaintiff, George Avalos

____ (By U.S. Mail) I caused each envelope, with postage fully prepaid, to be placed in the designated area for outgoing mail in accordance with this office's practice, whereby mail is deposited in a U.S. mailbox in the City of Fresno, California after the close of the day's business.

____ (By Facsimile) I caused this document to be delivered via facsimile to the numbers set forth below.

 X (By Electronic Service) - I caused a true and correct copy of the document(s) described above to be uploaded to the Court approved case management system, and served electronically to all parties listed above.

I declare under penalty of perjury under the law of the State of California that the foregoing is true and correct. Executed on December 18, 2020, at Fresno, California.

By: /s/ Tiffany Holmberg
TIFFANY HOLMBERG